

2006 Legal Update

*Telecourse DVD (New)
January 2006*

POST Course Control Number: **xxxx-30001-xx038***
CPT Hours: **2.0**
DVD Shipping Date: **01/23/06**
Reference Guide: **Yes (online; see note at right)**

Each year, California peace officers are accountable for enforcing dozens of new laws enacted by the state legislature, and every month, officers are expected to abide by new case decisions from the courts. This annual Telecourse program provides a comprehensive overview of new legislation and case law decisions impacting California law enforcement in 2006. The program presents all new laws and case decisions that will have the biggest impact on the peace officers' role in California.

The first half of the program features legislative updates, while the second half of the program presents case law review, where legal experts present practical, street-oriented discussion to explain updates in laws related to interrogation, search and seizure, and more.

The DVD program offers two viewing options:

1. Play Telecourse in its entirety (115 min.)
2. Select among eight Telecourse segments:
 - Segment 1 - Legislative Changes:
Tresspass, Technology, Firearms Laws (12 min.)
 - Segment 2 - Legislative Changes:
Sex Offenses, Minors/Children, Minors & Police Pursuits (13 min.)
 - Segment 3 - Legislative Changes:
Misc., DUI, Motorized Scooters & Pocket Bikes (13 min.)
 - Segment 4 - Case Law Decisions: Interrogation Law (17 min.)
 - Segment 5 - Case Law Decisions: Search & Seizure Law (13 min.)
 - Segment 6 - Case Law Decisions: Search & Seizure Law (10 min.)
 - Segment 7 - Case Law Decisions: Search & Seizure Law (16 min.)
 - Segment 8 - Case Law Decisions: Misc. (15 min.)

A companion 2006 Legal Update Telecourse reference guide is available for viewing and downloading/printing online at the POST website:

www.post.ca.gov/training/cptn/ref_guides.asp

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the preassigned Telecourse Presenter Number specific to your agency; the tenth and eleventh digits (xx) are the fiscal year in which your agency presents this program. See website for detailed instructions.



40 Minutes - Monthly Edition DVD
January 2006

Case Law Today programs are released monthly on a single DVD containing a single month (6 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.

PAS Devices

with William Bedsworth, Justice of the Court of Appeal, State of California
The use of preliminary alcohol screening (PAS) devices has made defense of DUIs considerably more difficult. Even if regarded simply as additional field sobriety tests, PASs carry a lot of weight, yet they are coming under fire in an increasing number of cases. Justice Bedsworth examines Hallquist and explains what rules for PAS usage can be derived from the case. *Case cited: People v. Hallquist* (05 Daily Journal DAR 12075). (7:59)

Anal Penetration Through Clothing Is Sodomy

with Jeff Rubin, Alameda County District Attorney's Office
Where a victim's anus is penetrated by a perpetrator's penis, it is a violation of the statute prohibiting sodomy, regardless of whether the victim is wearing clothes such as underwear and there is no actual skin-to-skin contact. If it cannot be determined whether the object doing the penetrating is a penis or some other object, the statute violated is the one prohibiting penetration by a foreign object. *Case/Statutes cited: People v. Ribera* (2005) 133 Cal.App.4th 81; Pen. Code §§ 286, 289. (3:49)

PC §12022(b): Personal Use of a BB Gun

with Daniel McNeerney, Superior Court Judge, State of California
A BB gun is a "dangerous weapon" within the meaning of PC §12022(b), regardless of whether it is operable or capable of inflicting GBI. *Cases and Statutes cited: In re Bartholomew D.* (2005) 131 CA4 317; *In re Arturo H.* (1996) 42 CA4 1694; PC §12022(b); PC §12001(g); PC §626.10. (7:27)

Not All Stationhouse Interviews Are Custodial Interrogation

with Jeff Rubin, Alameda County District Attorney's Office
Just because a suspect is a juvenile, is interviewed in an isolated portion of a police station, and is told he is a suspect does not mean that the juvenile is in custody for purposes of the *Miranda* rule. No *Miranda* warning are likely going to be required in circumstances where the juvenile is voluntarily brought down to the station and told he is not under arrest and free to leave at any time. *Case cited: In re Kenneth S.* (2005) 133 Cal.App.4th 54. (6:33)

Courtroom Apparel: Victim's Family

with William Bedsworth, Justice of the Court of Appeal, State of California
While a police officer's job does not usually extend to monitoring the clothing worn at trial, a recent 9th Circuit case should be considered by officers. In this case, a murder conviction was reversed because of what the victim's family wore to court during the trial. Justice Bedsworth explains how this could happen and suggests mentioning it to your witnesses or bringing it to the attention of the prosecution if it is being done by the defendant's supporters. *Case cited: Musladin v. Lamarque* (05 Daily Journal DAR 12592). (7:16)

Cases Broadening the Rape Statute

with Jeff Rubin, Alameda County District Attorney's Office
California courts have been increasingly willing to find a rape occurred in situations involving little if any force greater than that involved in perpetrating the act of intercourse against the will of the victim as well as in situations where the nonconsensual intercourse is accompanied by consensual sexual contact. This video discusses the latest cases in this trend. *Cases cited: In re Jose P.* (2005) 131 Cal.App.4th 110; *People v. Griffin* (2004) 33 Cal.4th 1015; *In re John Z.* (2003) 29 Cal.4th 1056. (6:15)

More Information and Future Programs

Distribution and Ordering

DVDs are direct-mailed each month to POST-Certified Telecourse Presenters and Basic Academies in the California POST Program. Multiple copies of CPTN materials are available via automated direct-mail to eligible agencies with multiple training sites. Visit the CPTN website for more information about DVD distribution/eligibility and for complete CPTN information, video listings, and to order videos.

Telecourse CPT Credit

This month's Telecourse(s) and most previous Telecourses are eligible for continuing professional training (CPT) credit if facilitated by a POST-Certified Telecourse Presenter. Certified Presenters of POST Advanced Officer Courses or Skills and Knowledge Modular training courses may also use the Telecourses as part of those courses. POST-Certified Telecourse Presenters seeking CPT credit for trainees must document Telecourse attendance on POST Course Roster (Form 2-111). For detailed instructions on completion of the Telecourse Course Roster, visit www.post.ca.gov/training/cptn/credit.asp. Call the POST Training Delivery Bureau at 916.227.4866 for more information about Telecourse CPT credit.

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Future Program Releases

Custodial/Courtroom Security (Feb. 2006)

Case Law Today - Monthly DVD Release (Feb. 2006)

Legal Aspects of Terrorism (Mar. 2006)

Case Law Today - Monthly DVD Release (Mar. 2006)

Leadership (Apr. 2006)

Case Law Today - Monthly DVD Release (Apr. 2006)